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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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DIVISION: 1 (Beaumont)  
DISTRICT JUDGE: Hon. Marcia A. Crone

DATE: October 31, 2017  
TIME: 2:35 p.m. - 3:00 p.m.

BARBARA G. WRIGHT,  
  
Plaintiff,

*versus*

LIBERTY MUTUAL INSURANCE  
and AARON BERKOWITZ,  
  
Defendants.

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CIVIL ACTION NO. 1:17-CV-380

**MINUTE ENTRY: SCHEDULING CONFERENCE**

ATTORNEY FOR PLAINTIFF: Jason Michael Byrd of The Byrd Law Firm

ATTORNEY FOR DEFENDANTS: Travis Armstrong of Sheehy, Ware & Pappas, PC

Counsel convened in chambers on October 31, 2017, to inform the court of the facts and issues in this insurance action. Plaintiff Barbara G. Wright (“Wright”) asserts that her home suffered interior water damage due to an alleged roof leak. Wright reported the loss to Defendant Liberty Mutual Insurance (“Liberty”), and Defendant Aaron Berkowitz (“Berkowitz”), an adjustor for Liberty, was assigned to the claim. Berkowitz determined that the observed damages were the result of unrelated, long-term seepage from the air conditioning system, and Liberty ultimately denied coverage. Defendants generally deny Wright’s allegations and assert various affirmative defenses.

Further, the parties addressed the issue of subject matter jurisdiction with the court. Defendants removed the action to this court on the basis of diversity jurisdiction, contending that

Berkowitz, a forum-state defendant, was fraudulently joined. Although Wright has yet to file a motion to remand, she maintains that Berkowitz was properly joined to this action, which would deprive the court of subject matter jurisdiction. Therefore, Wright agreed to file either a motion to remand or an agreed motion to dismiss Berkowitz by November 10, 2017. The court and counsel agreed to a scheduling order which will govern all future proceedings should the action remain in this court.

SIGNED at Beaumont, Texas, this 31st day of October, 2017.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE